

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

THOMAS SMITH, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF JOE SMITH, DECEASED

PLAINTIFF

VS. CIVIL ACTION NO. 5:07-cv-229 (DCB) (JMR)

VICKSBURG CONVALESCENT HOME
AND JOHN AND JANE DOES 1-10

DEFENDANTS

ORDER

This cause is before the Court on the defendants' motion to dismiss or alternatively to compel arbitration (**docket entry 2**). Having carefully considered the motion and the record in this case, the Court finds that inasmuch as the parties have agreed to arbitrate this matter and stay this action, the defendants' motion is moot. Accordingly,

IT IS HEREBY ORDERED that the defendants' motion to dismiss or alternatively to compel arbitration (**docket entry 2**) is MOOT.

SO ORDERED, this 16th day of May, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE